

REMARKS

Claims 21-38 were presented and examined. In response to the Office Action, Claims 21, 22, 24, 27, 29, 34-36 and 38 are amended, Claim 33 is cancelled, and no claims are added. Claims 1-20 and 39-41 have been withdrawn from consideration. Claims 21-32 and 34-38 remain in the application. Applicants request reconsideration in view of the following remarks.

I. Objection to the Claims

Claims 35-36 and 38 are objected to under 37 C.F.R. §1.75 as containing substantial duplication to Claims 33-34 and 37.

Claim 33 is cancelled. Applicants submit that Claims 35-36 and 38 recite the operation of normalizing quantization index values (step b2), which is not recited in Claims 34 and 37. Thus, Claims 35-36 and 38 are not a substantial duplication of Claims 34 and 37, as asserted by the Examiner. Accordingly, withdrawal of the objection to Claims 35-36 and 38 is requested.

II. Claim Rejections under 35 U.S.C. §101

Claims 21-38 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Applicants submit that the processing of digital video data is tied to an apparatus, such as the database, as recited in Claim 21 and shown in Figure 1A. An apparatus belongs to a statutory category. Further, the recited digital video data is inherently tied to physical systems such as a video capturing system and a video playback system, both of which belong to a statutory category. Thus, Claims 21-38 are directed to statutory subject matter. Accordingly, withdrawal of the §101 rejection to Claims 21-38 is requested.

III. Claim Rejections under 35 U.S.C. §112

Claims 21-38 stand rejected under 35 U.S.C. §112 as failing to particularly point out and distinctly claim the subject matter regarded as the invention, distinctly claim the mathematical formulas they embody, are indefinite and lack antecedent basis.

Applicants amend Claims 21, 22, 24, 27, 29, 34-36 and 38 to improve clarity, as suggested by the Examiner. Accordingly, withdrawal of the §112 rejection to Claims 21-38 is requested.

IV. Claim Rejections under 35 U.S.C. §102 and §103

Claims 21-24 stand rejected under 35 U.S.C. §102(b) as being anticipated by Park, et al. “Efficient Use of Local Edge Histogram Descriptor”, Proceedings ACM Multimedia 2000 Workshops, 11/04/00, ACM International Multimedia Conference (“Park”).

Claims 25-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Park in view of Won, et al. “Efficient Use of MPEG-7 Edge Histogram Descriptor”, vol. 24, no. 1, February 2002 (“Won”).

Applicants amend independent Claim 21 to incorporate all of the limitations of dependent Claim 33. The Examiner recognizes that Park does not disclose the limitations of Claim 33, but relies on Won for supplying the missing elements in Park.

Applicants submit that Won is disqualified as a prior art reference. Applicants submit herewith declarations from the three authors of Won, showing that Won is Applicants’ own work. The declarations show that two of the three authors of Won are the inventors of the present application. The third author of Won, who is not the inventor of the present application, declares that he did not contribute to the portion of Won that is relevant to the pending claims. Thus, Won is Applicants’ own work and, therefore, cannot be used as a prior art reference in the rejection of the pending claims.

Claim 33 is cancelled. Claims 22-32 and 34-38 depend from amended Claim 21. For at least the same reasons mentioned above, Won cannot be used as a prior art reference in the rejection of these dependent claims. Accordingly, withdrawal of the §103(a) rejection of Claims 21-38 is requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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By: _____

Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF ELECTRONIC SUBMISSION

I hereby certify that this correspondence is being submitted electronically via EFS on the date indicated below

Marilyn Bass
Marilyn Bass April 27, 2009